

DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-558

27 JUN 1979

MEMORANDUM FOR: Members, DCI Security Committee

FROM:

[Redacted]
Executive Secretary

SUBJECT: Declassification Review Requirements

1. Attached for information is a copy of the DCI's letter to the Director, Information Security Oversight Office (D/ISOO), concerning intervals between systematic reviews for declassification. The letter identifies categories of information which concern intelligence sources and methods and which are deemed to require extended classification protection. The category descriptions and their rationales were discussed with the D/ISOO recently. He advised that he intended to consult with a number of departments and agencies involved in national security matters to determine if these categories would be suitable for government-wide use.

2. Information on this subject was provided in draft form to Security Committee members at the May 9, 1979 meeting of the committee.

Attachment

SECOM [Redacted] :fh (6/27/79)

Washington, D.C. 20505

1 JUN 1979

~~1 JUN 1979~~

Mr. Michael T. Blouin
Director, Information Security Oversight Office
General Services Administration
Washington, D.C. 20405

Dear Mr. Blouin:

This is in response to your thoughtful communication of 11 April 1979 concerning extension of the intervals between systematic reviews for declassification of information in certain categories, as provided by Executive Order 12065. We are in basic agreement that little information warrants classification beyond the first ten-year extension following initial review, when one considers the entire mass of classified information existing throughout the Government.

Nevertheless, the fraction of this mass which must remain classified beyond that first extension is heavily concentrated in the files of the Central Intelligence Agency and of other Intelligence Community member agencies and departments. My statutory responsibility and authority for protection of information relating to intelligence sources and methods has already been frequently exercised in the certification of classification extensions under the Order. Procedures for the systematic review of such information, including the intervals between any further reviews determined to be necessary after its initial review, should apply throughout the Community while providing for the particular requirements of each Community element.

The review interval extension categories listed by the Secretary of the Army in his 12 February 1979 letter to you are valid as far as they go. The needs of the Intelligence Community as a whole, however, would be better served by a more complete and detailed categorization. The enclosure hereto lists and describes six categories of information which concern intelligence sources and methods and are deemed to merit waivers of the Order's ten-year review interval requirement. Appropriate time intervals for further reviews of the information to be included are also specified, as requested in your letter. The types of information cited by the Secretary of the Army, along with others also affecting Community members, are covered under one or another of the categories.

Rationales for these categories are also discussed in the enclosure. As indicated therein, maximum durations of classification cannot be predetermined. The categories were prepared in consultation with Mr. Edwin A. Thompson, designated representative of the Archivist of the United States.

In accordance with Information Security Oversight Office Directive No. 1, use of these categories will be strictly limited to information that:

- has been systematically reviewed for declassification at least once;

- is identified through such review as requiring continued classification for a period in excess of twenty additional years;

- cannot when so reviewed be assigned a definitive date or event for declassification, thus requiring at least one additional review; and

- is certified accordingly by an agency head authorized to do so under the Order.

The categories concern only the systematic review for declassification of the information they cover, and thus do not apply to information requested under the Freedom of Information Act or the Order's mandatory review provisions. All FOIA and other mandatory review requests will continue to be processed in accordance with the Act and Order, whether or not the information falls within any review-interval waiver category.

Your early approval of waivers for the specified categories is requested.

Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER

Enclosure

CATEGORIES OF INFORMATION FOR WHICH THE DIRECTOR OF CENTRAL INTELLIGENCE REQUESTS WAIVERS OF REQUIREMENTS FOR FURTHER REVIEW AT TEN-YEAR INTERVALS FOLLOWING INITIAL REVIEW FOR DECLASSIFICATION, PURSUANT TO EXECUTIVE ORDER 12065 AND INFORMATION SECURITY OVERSIGHT OFFICE DIRECTIVE NO. 1.

CATEGORY A

Intelligence documents and/or material(s) constituting or containing identifiable foreign government information as defined in Section 6-103 of Executive Order 12065 and Section I/F1 of Information Security Oversight Office Directive No. 1.

Time Intervals for

Subsequent Reviews: 40 years following the initial review, and thereafter at 10-year intervals if necessary.

Foreign government information (FGI) is exempt from automatic declassification under Section 3-404 of the Order, and is subject where appropriate to foreign government coordination of any guidelines to be used in its systematic review for declassification per Section III/C1b of the Directive. Under Section 1-303 of the Order, unauthorized disclosure of FGI is presumed to cause at least identifiable damage to the national security.

Sensitive FGI must continue to be protected for as long as may be required by the foreign government or governments involved. Without the consent thereof, declassification and release of such FGI would violate the expectation of confidentiality inherent in its provision (Section I/F1a of the Directive) and/or the confidential joint arrangement(s) whereby it is produced (Section I/F1b of the Directive and Section 6-103 of the Order).

Systematic review of thirty-year-old (and even older) information, in accordance with the present Executive Order and its predecessor (E.O. 11652), has already generated a number of requests for foreign permission to declassify items in this category. Except for certain World War II military operations intelligence, responses to date have been uniformly negative. Foreign governments simply will not authorize declassification of information they have designated as sensitive, regardless of its age, unless and until they can determine that it no longer requires protection in terms of their own national security perceptions and concerns.

The requested interval of forty years between the initial (thirty-year) and first subsequent review (conducted when each item attains an age of seventy years) should provide sufficient time for foreign governments to make declassification determinations covering much if not most of the Category A information reaching that age. There can, however, be no

guarantee that all such information will be declassifiable even at age seventy. Additional reviews may be required, but these should be held at the regular ten-year intervals specified by the Order.

Documents and other classified material containing such foreign government information, when determined upon initial review to require extension of classification beyond twenty additional years and further review prior to declassification, must be assigned to Category A whether or not another of the categories listed below might also be appropriate and regardless of other (non-foreign) informational content. It will be readily apparent that information assignable to more than a single review-interval waiver category may be included in any given document; the foreign government sensibilities discussed above require that Category A be given priority in the case of such multiple-category material.

CATEGORY B

Information constituting or concerning cryptologic or cryptographic intelligence, including information on the development and/or use of any method, means, system, device, installation or activity for the acquisition or transmission of such intelligence or for the protection of cryptographically processed data including cryptographic, communications and emanations security procedures, techniques, materials and equipment.

Time Intervals for

Subsequent Reviews: 40 years following the initial review, and thereafter at 10-year intervals if necessary.

This category relates in part to each of the preceding and following ones, in that the information which they cover is or may be processed at some stage of its existence through the application of cryptologic/cryptographic procedures. The compromise thereof would permit unauthorized decipherment and consequent disclosure of the information carried via the cryptographic communications channels used. In addition, the sources and methods employed to acquire and process cryptologic/cryptographic intelligence per se represent an extremely high initial degree of national security sensitivity, and normally require long-term classification protection. Because of these factors, Category B will take precedence over Categories C through F below in the case of multiple-category items.

CATEGORY C

Information constituting or concerning counterintelligence, defined by Executive Order 12036 of 24 January 1978 (Section 4-202) as "...information gathered and activities conducted to protect against espionage, sabotage, international terrorist activities or assassinations conducted for or on

behalf of foreign powers, organizations or persons, but not including personnel, physical, document or communications security programs."

Time Intervals for

Subsequent Reviews: 30 years following the initial review, and thereafter at 10-year intervals if necessary.

Counterintelligence (CI) sources and methods tend to be highly sensitive. CI "cases" are often very long-lived; they somewhat resemble murder cases under the criminal law, in that they are subject to no "statute of limitations" but remain open virtually indefinitely unless resolved. The ongoing systematic review (begun under E.O. 11652) of Office of Strategic Services (OSS) and Central Intelligence Group (CIG) permanent records created during the period 1942--1947, all of which are therefore now well over thirty years old, has shown that numerous CI items dating from that era still meet the current classification requirements of E.O. 12065 (Section 1-3). Identifiable damage to the national security would result from their disclosure even today.

CI documents or other items of information identified upon initial systematic review as meeting current classification requirements, and expected despite their age to meet such requirements for at least another twenty years as provided in Section III/C2b(2) of the ISOO Directive, will be assigned to Category C. The specified thirty-year interval between initial review at twenty years and the first subsequent review should make it feasible to declassify a significant proportion of CI records, although not necessarily all of them, when they thus become fifty years old. As with Categories A and B, ten-year intervals between the first such subsequent review and any ensuing ones would cover residual Category C information.

CATEGORY D

Information involving or concerning intelligence sources or methods and covered under special access, distribution and protection programs continued or established pursuant to Section 4-2 of Executive Order 12065, including but not limited to Sensitive Compartmented Information (SCI).

Time Intervals for

Subsequent Reviews: 30 years following the initial review, and thereafter at 10-year intervals if necessary.

Documents or other items assignable to this category are subject to considerations similar to those affecting Category C (counterintelligence) above:

-- an original high degree of national security sensitivity, in view of the Order's provision (Section 4-201) limiting the use of special access programs to "particularly sensitive" information;

-- the fact that such information may require a lengthy period of initial classification protection (currently twenty years for SCI: see NFIB-9, 1/35 of 21 December 1978) and may not be automatically declassifiable at the expiration thereof (again, SCI provides a good example) but must then be reviewed to determine whether that protection remains necessary; and

-- the likelihood that this initial review will indeed establish a need to extend classification for a period exceeding twenty additional years, the length of which cannot be predetermined in terms of any specific future date or event that would allow declassification.

CATEGORY E

Information which identifies any undercover personnel or unit(s), or clandestine human agent(s), of a National Foreign Intelligence Board or other United States Intelligence Community member agency; or which otherwise reveals sensitive intelligence sources, methods or activities including intelligence plans, policies, or operations, of such an agency or any element thereof.

Time Intervals for

Subsequent Reviews: 30 years following the initial review, and thereafter at 10-year intervals if necessary.

This category covers information on intelligence activities, sources or methods which cannot logically be included in any of the other waiver categories requested but which, nevertheless, requires classification for more than twenty years beyond the date of initial review and for which no specific future declassification date or event can be predetermined. The stated subsequent review intervals for such information are compatible with those specified under the other categories covering information of U.S. origin.

CATEGORY F

Intelligence reports and other documents which contain information covertly acquired and which bear the legend "THIS IS UNEVALUATED INFORMATION" or, lacking this or an equivalent marking, are similar in format or content to items so marked; and in which the formats used, subject matter, source descriptions or other content would, in collections or aggregates of such reports and/or other documents, reveal the nature, scope or extent of United States intelligence activities in, or in relation to, particular foreign countries or areas or would identify intelligence sources or methods.

Time Intervals for

Subsequent Reviews: 30 years following the initial review, and thereafter at 10-year intervals if necessary.

This category has already been identified to the Archivist of the United States, by letter of 1 December 1978, as one for which waiver of the Order's requirement for reviews at ten-year intervals would be requested. The reason is, of course, the fact that individually declassifiable items may require continued long-term protection when considered in the aggregate.

"UNEVALUATED INFORMATION" reports and similar items which contain Category A (foreign government) or Category B (cryptologic) information must be assigned thereto, as noted above under those two categories. Other multiple-category "UNEVALUATED INFORMATION" items will be assigned to Categories C, D or E as appropriate.

11 APR 1979

174-1290

Honorable Stansfield Turner
Director of Central Intelligence
Washington, DC 20505

Dear Mr. Director:

Executive Order 12065 provides for automatic declassification of classified information after twenty years from the date of its origin, except that information specifically identified by the head of an agency listed in Section 1-2 of the Order and by officials designated by the President. When these officials extend classification beyond twenty years, they must set a date no more than ten years later for declassification or review for declassification. Subsequent reviews must be at no more than ten year intervals. The Order provides that the Director, Information Security Oversight Office may extend the period between reviews for specific categories of documents or information.

We have received from the Secretary of the Army a request for an extension from the prescribed ten to a period of thirty years between reviews for certain information which he has determined requires security protection beyond twenty years. The specific categories are listed in his letter of request (enclosed).

Little, if any, information warrants classification beyond the first ten year extension. However, because the Director of Central Intelligence has statutory responsibility and authority for protection of information relating to intelligence sources and methods, we solicit your opinion as to whether the extension requested is warranted. If you do consider it warranted, we request your views as to the appropriate time interval for subsequent reviews, maximum duration of classification, and, most important, what categories of information should be included.

Sincerely,

MICHAEL T. BLOUIN
Director
Information Security
Oversight Office

Enclosure



12 FEB 1979

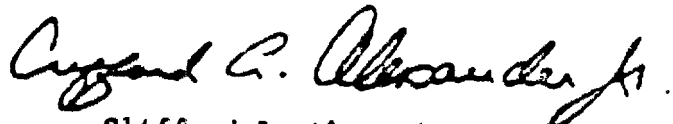
Mr. Michael T. Blouin
Director, Information Security
Oversight Office
General Services Administration
Washington, DC 20403

Dear Mr. Blouin:

In accordance with paragraph 1-302 of Executive Order 12065, I have determined that continued security protection of certain categories of documents is essential in the interest of national security. These documents contain true names, code names, titles, or other identifying data pertaining to sources; documents revealing the true names of organizations that provided intelligence cover; communications intelligence and cryptographic security documents; and documents containing information on an escape and evasion technique.

Therefore, in accordance with paragraph 3-401, Executive Order 12065, I am requesting an extension of 30 years between subsequent reviews for declassification of the above categories of documents issued by the Department of the Army.

Sincerely,


Clifford L. Alexander, Jr.